



14 NOV 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

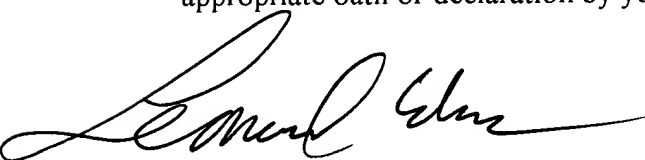
Ms. Annick Colin de Verdier  
4 rue Rémi Belleau  
86 000 Poitiers  
France

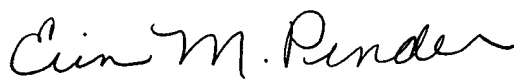
In re Application of  
TEMSAMANI, Jamal, et al.  
Application No.: 09/856,940  
PCT No.: PCT/FR99/02939  
Int. Filing Date: 26 November 1999  
Priority Date: 30 November 1998  
Attorney Docket No.: 19904-013NATL  
For: PHARMACEUTICAL COMPOSITION COMPRISING AN ANTI-CANCER AGENT  
AND AT LEAST A PEPTIDE

Dear Ms. Colin de Verdier:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. The counsel for the applicant is listed below. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

  
Leonard E. Smith  
PCT Legal Examiner  
PCT Legal Administration

  
Erin M. Pender  
Attorney Advisor  
PCT Legal Administration

Telephone: (703) 305-0455  
Facsimile: (703) 308-6459

Ivor R. Elrifi  
Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.  
One Financial Center  
Boston, MA 02111



14 NOV 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

Ivor R. Elrifi  
Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.  
One Financial Center  
Boston, MA 02111

In re Application of :  
TEMSAMANI, Jamal, et al. :  
Application No.: 09/856,940 :  
PCT No.: PCT/FR99/02939 :  
Int. Filing Date: 26 November 1999 :  
Priority Date: 30 November 1998 :  
Attorney Docket No.: 19904-013NATL :  
For: PHARMACEUTICAL :  
COMPOSITION COMPRISING AN :  
ANTI-CANCER AGENT AND AT :  
LEAST A PEPTIDE :

DECISION ON  
PETITION UNDER  
37 CFR 1.47(a)

This is a decision on applicants' "Renewed Petition Under 37 C.F.R. §1.47(a)," filed in the United States Patent and Trademark Office (USPTO) on 08 August 2002.

### BACKGROUND

On 26 November 1999, applicants filed international application PCT/FR99/02939, which claimed a priority date of 30 November 1998. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 08 June 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 30 June 2000, within nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 30 May 2001.

On 30 May 2001, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 10 July 2001, the USPTO mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required. The NOTIFICATION set a two-month extendable period for reply.

On 06 December 2001, applicants submitted the petition under 37 CFR 1.47, which was accompanied by, *inter alia*, a petition for a three-month extension of time; the fee for a three-month extension of time; and a combined declaration and power of attorney executed by inventors Jamal Temsamani and Michel Kaczorek.

On 30 January 2002, the Office mailed Decision on Petition Under 37 CFR 1.47(a) dismissing the petition without prejudice.

On 22 February 2002, applicants filed "Renewed Petition Under 37 CFR 1.47(a)," accompanied by, *inter alia*, a statement of facts and copies of postal receipts and letters with translations.

On 28 March 2002, the Office mailed Decision on Petition Under 37 CFR 1.47(a) dismissing the petition without prejudice.

On 28 May 2002, applicants filed "Second Renewed Petition Under 37 CFR 1.47(a)," accompanied by, *inter alia*, a statement of facts, a copy of a postal receipt, printouts of internet searches and a letter to Annick Colin de Verdiere with translation.

On 11 June 2002, the Office mailed Decision on Petition Under 37 CFR 1.47(a) dismissing applicants' petition without prejudice.

On 08 August 2002, applicants submitted the instant renewed petition.

### **DISCUSSION**

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Applicants previously satisfied items (1), (3) and (4).

Item (2) has now been satisfied. Applicants have supplied evidence that Ms. Colin de Verdiere has refused to execute the declaration after presentation with a complete copy of the application papers.

### **CONCLUSION**

For the reasons above, the petition under 37 CFR 1.47(a) is **GRANTED**.

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

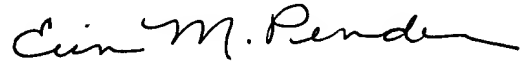
As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including accordation of a 35 U.S.C. §371 date of **06 December 2001**.



Leonard E. Smith  
PCT Legal Examiner  
PCT Legal Administration



Erin M. Pender  
Attorney Advisor  
PCT Legal Administration

Telephone: (703) 305-0455  
Facsimile: (703) 308-6459